

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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DEBORAH CHIN, Individually and :
On behalf of All Others Similarly :
Situating, :

Plaintiffs, :

v. :

SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :

Defendants. :

Case No. 04-CV-10294 DPW

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INFORMATION DYNAMICS, LLC, :
Individually and On behalf of All Others :
Similarly Situating, :

Plaintiffs, :

v. :

SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :

Defendants. :

Case No. 04-CV-10308 DPW

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**REPLY BRIEF OF MOVANT BRAD ROLLO IN FURTHER SUPPORT
OF HIS MOTIONS FOR APPOINTMENT AS LEAD PLAINTIFF**

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PETER KALTMAN, Individually and On :
behalf of All Others Similarly Situated, :

Case No. 04-CV-10309 DPW

Plaintiffs, :

v. :

SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :

Defendants. :

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SAMANTHA DEN, Individually and On :
behalf of All Others Similarly Situated, :

Case No. 04-CV-10310 DPW

Plaintiffs, :

v. :

SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :

Defendants. :

-----X

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RONALD KASSOVER, Individually and :
On behalf of All Others Similarly Situated, :

Plaintiffs, :

v. :

SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :

Defendants. :

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-----X
STEVE L. BAKER, Individually and On :
behalf of All Others Similarly Situated, :

Plaintiffs, :

v. :

SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :

Defendants. :

-----X

Case No. 04-CV-10329 DPW

Case No. 04-CV-10333 DPW

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HAIMING HU, Individually and On :
behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
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SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10346 DPW

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MICHAEL KAFFEE, Individually and On :
behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
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SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10345 DPW

-----X
SANUEL HO, Individually and On :
behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
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SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10363 DPW

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MICHELLE TREBITSCH, Individually and: :
On behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
 :
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10307 DPW

-----X
JEFFREY RODRIGUES, Individually and :
On behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
:
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
:
Defendants. :
-----X

Case No. 04-CV-10364 DPW

-----X
SHELIA BROWNELL, Individually and :
On behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
:
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
:
Defendants. :
-----X

Case No. 04-CV-10597 DPW

-----X
CHARLIE STARBUCK, Individually and :
On behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
:
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
:
Defendants. :
-----X

Case No. 04-CV-10362 DPW

-----X
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DANIEL WILLIAMS, Individually and On :
behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
:
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
:
Defendants. :
-----X

Case No. 04-CV-10359 DPW

-----X
ROBERT CONTI, Individually and On :
behalf of All Others Similarly Situated, :
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Plaintiffs, :
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v. :
 :
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10382 DPW

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WHEATON ELECTRICAL SERVICES :
401(k) PLAN, Individually and On behalf :
of All Others Similarly Situated, :
 :
Plaintiffs, :
v. :
 :
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10383 DPW

-----X
BRIAN CLARK, Individually and On :
behalf of All Others Similarly Situated, :
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Plaintiffs, :
 :
v. :
 :
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10454 DPW

-----X
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SAVERIO PUGLIESSE, Individually and :
On behalf of All Others Similarly Situated, :
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Plaintiffs, :
 :
v. :
 :
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
 :
Defendants. :
-----X

Case No. 04-CV-10612 DPW

-----X
DAVID V. NOCITO, Individually and On :
behalf of All Others Similarly Situated, :
:
Plaintiffs, :
:
v. :
:
SONUS NETWORKS, INC., PAUL R. :
JONES, EDWARD N. HARRIS, J. :
MICHAEL O'HARA, HASSAN M. :
AHMED and STEPHEN J. NILL, :
:
Defendants. :
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Case No. 04-CV-10623 DPW

Movant Brad Rollow (“Rollow”) respectfully submits this Reply Brief in further support of his motion for appointment as lead plaintiff filed in the above-captioned actions and for approval of his selection of counsel.

I. Introduction

None of the competing movants have shown that Rollow will not fairly and adequately protect the interests of the class, nor have any of the competing movants shown that Rollow is subject to any unique defenses that would render him incapable of adequately representing the class. As Rollow’s Memorandum of Law in Opposition to Competing Motions for Appointment as Lead Plaintiff dated April 26, 2004 (the “Rollow Opposition”) demonstrated, lead plaintiff movants (i) BPI Global Asset Management LLP (“BPI”); (ii) Global Undervalued Securities Master Fund (“Global”); (iii) Nakid M. Farhat, Kenneth McGaha, John Haggins, Patrick Fung (collectively, the “Farhat Group”); and (iv) James M. Brower (“Brower”) all suffer from significant deficiencies that prohibit each of them from being appointed as lead plaintiff.¹ Accordingly, Rollow, the movant with the largest recoverable financial interest who also satisfies the requirements of Rule 23 and is not subject to any unique defenses, should be appointed as lead plaintiff.

II. Rollow Has Provided All of the Information Required by the PSLRA

Global’s blanket assertion that the individual movants, including Rollow, have not provided any evidence that they possesses the necessary Rule 23 qualifications to serve as

¹ Although there were six additional motions for appointment as lead plaintiff, not only did all six of the movants have smaller losses than Rollow, but they have either expressly withdrawn their claims (Chris E. Paterick, Saverio Pugliese, the Jiang Group and the Belland Group) or appear to have abandoned their motions for appointment as lead plaintiff as they have not indicated any opposition to the other motions (Mohammad Akhtar and Jeffrey Foss).

fiduciaries on behalf of the Class is simply incorrect. Rollow has provided all of the information required by the PSLRA (See Exhibit “A” to the April 11, 2004 Declaration of Justin S. Kudler in Support of Rollow’s Motion for Appointment of Lead Plaintiff and for Approval of Choice of Counsel (the “Kudler Declaration”)).

Congress expressly articulated **all** of the information that a plaintiff must provide in order to seek appointment as lead plaintiff.² Requiring more, including the information suggested by Global is improper and reversible error. See, e.g., In re Cavanaugh, 306 F.3d 726, 731-32 (9th Cir. 2002) (District Court’s consideration of factors not articulated under PSLRA in appointing lead plaintiff, including movants’ business acumen, knowledge of the lawsuit, and fee arrangements with their counsel, was reversible error; “courts may not depart from the statutory text” of the PSLRA). Rollow has fully complied with Section 78u-4(a)(2)(A) of the PSLRA and provided **all** of the information specifically required under the PSLRA for appointment as lead plaintiff.³

² Under Section 78u-4(a)(2)(A) of the PSLRA, a plaintiff is only required to provide a certification stating that the plaintiff (i) has reviewed the complaint and authorized its filing; (ii) did not purchase the security that is the subject of the complaint at the direction of plaintiff’s counsel or in order to participate in any private securities action; (iii) is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary; (iv) sets forth all of the transactions in the security that is the subject of the complaint during the class period specified in the complaint; (v) identifies any other securities action, filed during the three-year period preceding the date on which the certification is signed, in which the plaintiff has sought to serve, or served, as a representative party on behalf of a class; and (vi) states that he or she will not accept any payment for serving as a representative party on behalf of a class beyond the plaintiff’s pro rata share of any recovery, except as ordered or approved by the court.

³ The cases cited by Global (Global Brief at 14), do not even support the proposition that Rollow must make some showing - beyond the requirements of the PSLRA - of his willingness to accept the substantial obligations associated with being named lead plaintiff. For example, Smith v. Suprema Specialties, Inc., 206 F. Supp. 2d 627 (D.N.J. 2002), does not address the

III. The Competing Movants Suffer From Significant Deficiencies

As stated in Rollow's previous opposition, each of the four movants who argue they have larger losses than Rollow is not the most appropriate lead plaintiff. In an attempt to remedy its clear defect of lack of authority to initiate legal action, BPI submitted a declaration proclaiming its "full investment discretion to purchase shares" (see Declaration of Charles Sweeney in Support of BPI's Opposition To Other Movants' Motions To Be Appointed Lead Plaintiff at ¶4). However, it is well settled that the client's mere grant of authority to an investment manager to act on its behalf does not confer the authority to initiate suit on its behalf. See Smith v. Suprema Specialties, Inc., 206 F. Supp. 2d 627, 634-35 (D.N.J. 2002); Weinberg v. Atlas Air Worldwide Holdings, Inc., 216 F.R.D. 248, 255 (S.D.N.Y. 2003) (same); Roth v. Knight Trading Group, Inc., 228 F. Supp. 2d 524, 529 (D.N.J. 2002) (appointed asset manager as lead plaintiff only after it demonstrated that it had complete investment authority and was agent and attorney-in-fact with "full power and authority to act in connection with its investments").⁴ None of the other movants have yet demonstrated that they are more appropriate as a lead plaintiff under the PSLRA than Mr. Rollow.

adequacy of the information required for the appointment of a single individual investor. In Smith, an investment advisor sought appointment as a lead plaintiff on behalf of 22 entities for which it made investment decisions absent any evidence that the 22 entities it represented were even aware of the legal action. Indeed, the exact reason that the investment advisor was **not** appointed was that it was not a "**single investor**" like Rollow. In In re Sakhrani v. Brightpoint, 78 F. Supp. 2d 845, 847-48 (S.D. Ind. 1999), the Court sought additional information from movants seeking to aggregate the losses of 118 unaffiliated individuals with no prior connection to each other.

⁴BPI's reliance on EZRA Charitable Trust v. Rent-Way, Inc., 136 F. Supp. 2d 435, 441 (W.D. Pa. 2001) is misplaced because when a court appoints an asset manager as the lead plaintiff, there must be evidence that the asset manager "acts as attorney-in-fact for its clients and is authorized to bring suit to recover for, among other things, investment losses."

IV. Conclusion

The submissions by the competing movants demonstrate that Rollow is the “most adequate plaintiff” within the meaning of the PSLRA. Accordingly, based on the foregoing, as well as Rollow’s previous submissions, Rollow respectfully requests that the Court appoint him as lead plaintiff and approve his selection of Schatz & Nobel, P.C. and Ragsdale & Frese LLC as Co-Lead Counsel.

Dated: May 10, 2004

Respectfully submitted

SCHATZ & NOBEL, P.C.

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